

Atty Dkt. No.: RIGI-001
USSN: 09/135,238

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 64, 65 and 67 are pending after entry of the amendments set forth herein.

Claims 58, 59, 61-65 and 67 were examined. Claims 58, 59, 61-65 were rejected. Claim 67 was allowed.

The dependencies of claims 64 and 65 are amended. These amendments were made solely in the interest of expediting prosecution, and are not to be construed as an acquiescence to any objection or rejection of any claim. No new matter is added by these amendments.

Claims 58, 59, 61, 62 and 63 are canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

PTO 1449 form

Applicants have no record in their file that the reference cited in an Information Disclosure Statement filed in this application on August 16, 2001 have been reviewed and made of record. The Examiner is respectfully requested to initial a PTO 1449 form listing these reference. For the Examiner's convenience, a copy of the PTO 1449 form, as filed with the Information Disclosure Statement filed on August 16, 2001, is provided herewith.

Allowed subject matter

The Applicants gratefully acknowledge Examiner's allowance of claim 67.

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Rejection under §112, ¶1 -- Written Description

Claims 58, 59 and 61-63 are rejected under 35 U.S.C. §112, first paragraph, on the grounds that the specification does not describe the subject matter of these claims so as to reasonably convey to the skilled artisan that the inventors had possession of the claimed invention at the time of filing.

Without acquiescing to the correctness of this rejection, the Applicants have cancelled claims 58, 59 and 61-63. Accordingly, this rejection is now moot.

Rejection under §112, ¶1 -- Enablement

Claims 58-59 and 61-65 are rejected under 35 U.S.C. §112, first paragraph, on the grounds that the specification does not reasonably provide enablement for any protein that binds a TOSO protein of SEQ ID NO:2 or to a TOSO protein that has 90% sequence identity to SEQ ID NO:2. In making this rejection the Office Action states that the specification is "enabling for an antibody that binds to the TOSO protein of SEQ ID NO:2 or an antibody directed against the extracellular domain or cytoplasmic domains of SEQ ID NO:2".

Without acquiescing to the correctness of this rejection, the Applicants have amended claims 64 and 65 to become dependent on allowed claim 67 and recite antibodies that specifically bind to extracellular or cytoplasmic domains of SEQ ID NO:2. Since the Examiner has indicated that the specification is enabling for this subject matter, the Applicants respectfully request withdrawal of this rejection.

Claims 58-59 and 61-63 are cancelled, and, with respect those claims, this rejection is now moot.

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CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number RIGL-001.

Respectfully submitted,
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Date: July 17, 2003

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Enclosures: Copy of 1449 Form enclosed with RUS filed on August 16, 2001

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